

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States Court of Appeals  
Sixth Circuit

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

October 28, 2003

Robert S. Litt, Esq.  
Arnold & Porter  
555 Twelfth Street, N.W.  
Washington, DC 20004

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

*County of Westchester v. Abbott Laboratories, Inc., et al.*, S.D. New York, C.A. No. 7:03-6178

Motion and Brief Due on or before: November 12, 2003

Dear Mr. Litt:

We have received and filed your Notice of Opposition to the proposed transfer of the referenced action for coordinated or consolidated pretrial proceedings. In accordance with Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order is stayed until further order of the Panel. You must adhere to the following filing requirements:

- 1) Pursuant to Panel Rules 5.12(a), 5.13 and 7.4(d), **an original and eleven copies of your Motion and Brief to Vacate the Conditional Transfer Order, as well as a computer readable disk of the pleading in WordPerfect for Windows format, must be received in the Panel offices by the due date listed above. Fax transmission of your motion and brief will not be accepted. See Panel Rule 5.12(d). Counsel filing oppositions in more than one action are encouraged to consider filing a single motion and brief with an attached schedule of actions.**
- 2) **Papers must be served on the enclosed Panel Service List. Please attach a copy of this list to your certificate of service.** (Counsel who have subsequently made appearances in your action should be added to your certificate of service).
- 3) **Rule 5.3 corporate disclosure statements are due within eleven days of the filing of the motion to vacate.**
- 4) **Failure to file and serve the required motion and brief within the allotted fifteen days will be considered a withdrawal of the opposition and the stay of the conditional transfer order will be lifted.**

Any recent official change in the status of a referenced action should be brought to the attention of the clerk's office as soon as possible by facsimile at (202) 502-2888. Your cooperation would be appreciated.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Deputy Clerk

Enclosure

cc: Panel Service List  
Transferee Judge:  
Transferor Judge:

Judge Patti B. Saris  
Judge Stephen C. Robinson

**PANEL SERVICE LIST (EXCERPTED FROM CTO-15)    Page 1 of 3**  
**DOCKET NO. 1456**  
**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE**  
**LITIGATION**

*County of Westchester v. Abbott Laboratories, Inc., et al., S.D. New York. C.A. No. 7:03-6178*

Rebecca Bedwell-Coll  
Moscone, Emblidge & Quadra, LLP  
180 Montgomery Street, Suite 1240  
San Francisco, CA 94104

Steve W. Berman  
Hagens Berman, LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101

David J. Burman  
Perkins Coie, LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099

Ronald L. Castle  
Arent, Fox, Kintner, Plotkin & Kahn, PLLC  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036

R. Christopher Cook  
Jones, Day, Reavis & Pogue  
51 Louisiana Avenue, N.W.  
Washington, DC 20001

William Davis  
Mintz, Levin, Cohen, Ferris, Glovsky & Popeo  
701 Pennsylvania Avenue, N.W., Suite 900  
Washington, DC 20004

Steven M. Edwards  
Hogan & Hartson, LLP  
875 Third Avenue  
Suite 2600  
New York, NY 10022

Jack E. Fernandez  
Zuckerman Spaeder, LLP  
101 East Kennedy Boulevard, Suite 1200  
Tampa, FL 33602-5838

Rose E. Firestein  
Office Of The Attorney General  
Assistant Attorney General  
Bureau of Consumer Frauds and Protection  
120 Broadway, 3rd Floor  
New York, NY 10271

Martin F. Gaynor III  
Cooley, Manion & Jones, LLP  
21 Custom House Street, 6th Floor  
Boston, MA 02110

Kirke M. Hasson  
Pillsbury Winthrop, LLP  
50 Fremont Street  
Post Office Box 7880  
San Francisco, CA 94120

Donald E. Haviland Jr  
Kline & Specter  
1525 Locust Street, 19th Floor  
Philadelphia, PA 19102

Donald E. Haviland Jr.  
Kline & Specter  
1800 Chapel Avenue, Suite 312  
Cherry Hill, NJ 08002

S. Craig Holden  
Ober, Kaler, Grimes & Shriver  
120 East Baltimore Street  
Baltimore, MD 21202-1643

Stephen J. Immelt  
Hogan & Hartson, LLP  
111 S. Calvert Street, Suite 1600  
Baltimore, MD 21202

Roger W. Kirby  
Kirby, McInerney & Squire, L.L.P.  
830 Third Avenue, 10th Floor  
New York, NY 10022

PANEL SERVICE LIST (EXCERPTED FROM CTO-15) MDL-1456 (CONT.)

Page 2 of 3

Michael L. Koon  
Shook & Hardy  
One Kansas City Place  
1200 Main Street, 26th Floor  
Kansas City, MO 64105

Robert S. Litt  
Arnold & Porter  
555 Twelfth Street, N.W.  
Washington, DC 20004-1206

Kathleen H. McGuan  
Reed Smith, LLP  
1301 K Street, N.W.  
Suite 1100, East Tower  
Washington, DC 20005

Adam D. Miller  
Engstrom, Lipscomb & Lack  
10100 Santa Monica Blvd., 16th Floor  
Los Angeles, CA 90067

Cheryl A. Mitchell  
Reed Smith, LLP  
599 Lexington Avenue, 29th Floor  
New York, NY 10022

Gilmur R. Murray  
Murray & Howard  
436 14th Street, Suite 1413  
Oakland, CA 94612

Nancy L. Newman  
Knapp, Peterson & Clarke  
500 North Brand Boulevard, 20th Floor  
Glendale, CA 91203

Brien T. O'Connor  
Ropes & Gray  
One International Place  
Boston, MA 02110-2624

Ethan M. Posner  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, DC 20004

Richard D. Raskin  
Sidley Austin Brown & Wood  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60603

Robert D. Sanford  
Moscone, Emblidge & Quadra, LLP  
180 Montgomery Street, Suite 1240  
San Francisco, CA 94104-4238

Lori A. Schechter  
Morrison & Foerster, LLP  
425 Market Street  
San Francisco, CA 94105

William S. Schneider  
Attorney General Office  
Deputy Attorney General  
1455 Frazee Road, Suite 315  
San Diego, CA 92186-5266

Michael Sennett  
Bell, Boyd & Lloyd  
70 West Madison Street, Suite 3300  
Chicago, IL 60602

Thomas M. Sobol  
Hagens Berman, LLP  
225 Franklin Street, 26th Floor  
Boston, MA 02110

Robert R. Stauffer  
Jenner & Block  
One IBM Plaza, Suite 4400  
Chicago, IL 60611

Scott A. Stempel  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Tina M. Tabacchi  
Jones, Day, Reavis & Pogue  
77 West Wacker Drive, Suite 3500  
Chicago, IL 60601-1692

Robert B. Teitelman  
Attorney General's Office Environmental Dept.  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120

Robert L. Ullmann  
Nutter, McClennen & Fish  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02110

PANEL SERVICE LIST (EXCERPTED FROM CTO-15) MDL-1456 (CONT.)

Page 3 of 3

Michael J. Vanselow  
Office of the Minnesota Attorney General  
445 Minnesota Street  
NCL Tower, Suite 1100  
St. Paul, MN 55101-2131

D. Scott Wise  
Davis, Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017

Joseph H. Young  
Hogan & Hartson, LLP  
111 South Calvert Street  
Suite 1600  
Baltimore, MD 21202